

Appl. No.: 09/807,165

Group Art Unit: 1714

Applicants' Amendment Submitted in Conjunction with the RCE Filed on February 28, 2005

#### REMARKS

Claims 6, 8-9, 11 and 13-25 are currently pending in the present application.

Claim 12 has been canceled without prejudice. Claims 6, 15 and 25 have been amended to specify that the at least one plastic additive comprises a component selected from the group consisting of antistatic agents, antifogging agents, antioxidants, UV stabilizers, coupling agents, calendering aids, mold release agents, lubricants, release agents, slip agents, plasticizers, perfumes, flame retardants, fillers, heat stabilizers, and mixtures thereof. Claim 13 has been amended to depend from claim 6 rather than canceled claim 12. Support for these amendments can be found in the Specification, for example at page 4, lines 21-25, and in the claims as originally filed. A complete listing of all claims ever presented is included herein in accordance with 37 C.F.R. §1.121(c). Entry of the amendments to claims 6, 13, 15 and 25 is therefore proper and respectfully requested.

#### Anticipation Rejections

In the Office Action dated April 30, 2004 ("the Office Action"), the Examiner rejected claims 6, 8-9, 11 and 25 under 35 U.S.C. §102(b), as being anticipated by U.S. Pat. No. 4,310,483 of Dörfel, *et al.* (hereinafter referred to as "Dörfel") and made the rejection final. Specifically, the Examiner contends that Dörfel discloses spherical granulates containing plastic additives, wherein the granulates have a diameter of from 0.2 to 2 mm. Applicants respectfully traverse the Examiner's rejection and the contentions in support thereof for the following reasons.

Applicants submit that Dörfel fails to teach each and every element of the claimed invention, *as amended*. Applicants' claimed invention is directed to compositions comprising granules containing at least one plastic additive *comprising a component selected from the group consisting of antistatic agents, antifogging agents, antioxidants, UV stabilizers, coupling agents, calendering aids, mold release agents, lubricants, release agents, slip agents, plasticizers, perfumes, flame retardants, fillers, heat stabilizers, and mixtures thereof*, wherein the granules are substantially spherical and have a diameter of from 0.5 to 5 mm.

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Group Art Unit: 1714

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Dörfel is directed to a process for the granulation of pigments for plastics, preferably organic pigments. (*See*, Dörfel, col. 1, lines 4-6, 45-47 & 51-61). Dörfel fails to teach a composition comprising granules containing at least one *plastic additive*, as that term is defined in the claims. As set forth in the presently pending claims, "plastic additives" comprise antistatic agents, calendering aids, mold release agents, lubricants, release agents, slip agents, plasticizers, and agents for increasing thermal stability (heat stabilizers). Pigments, which endure their own specific problematic formulational difficulties such as dispersability, are not necessarily "plastic additives" as claimed. As such, Dörfel fails to teach the claimed invention. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. §102(b) based upon Dörfel.

In the Office Action, the Examiner maintained the rejection of claims 6, 8-9, 11-12, 15-19 and 21-23 under 35 U.S.C. §102(b), as being anticipated by U.S. Pat. No. 5,318,733 of Carduck, *et al.* (hereinafter referred to as "Carduck"), for the reasons of record set forth in the Office Action dated February 28, 2003 (Paper No. 7), and made the rejection final.

Applicants again respectfully traverse this rejection and the contentions and arguments in support thereof for the following reasons. Carduck fails to teach each and every element of the claimed invention. The Examiner has argued that Carduck discloses granules containing a plastic additive, *i.e.*, a lubricant. Applicants respectfully disagree.

Carduck is directed to detergent granules, and while the reference does mention the presence a plasticizer or lubricant, it is clear from other parts of the reference that the aforementioned "plasticizer or lubricant" is NOT a *plastic additive* as used by Applicants. Carduck contains the following language:

"The plasticizers and/or lubricants used as auxiliaries may be free-flowing, gel-like or paste-like at room temperature without any need for the use of an additional liquid phase. Preferred plasticizers and lubricants are preparations based on surface-active components and/or water-soluble or water-emulsifiable or water-dispersable polymer compounds. Examples of a plasticizer and/or lubricant which may be used without any need for an additional liquid phase are any of the numerous types of nonionic surfactants typically used in detergents."  
(*See*, Carduck, col. 3, lines 47-57 (*emphasis added*)).

Appl. No.: 09/807,165

Group Art Unit: 1714

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Carduck is not directed to compositions comprising granules containing *at least one plastic additive*. Accordingly, Carduck fails to teach each and every element of the claimed invention. Reconsideration and withdrawal of the rejection under 35 U.S.C. §102(b) based upon Carduck are requested.

In the Office Action, the Examiner also maintained the rejection of claims 6, 8-9, 11, 15-17 and 19 under 35 U.S.C. §102(e), as being anticipated by U.S. Pat. No. 6,423,132 of Balliello, *et al.* (hereinafter referred to as "Balliello"), for the reasons of record set forth in Paper No. 7. Specifically, the Examiner contends that Balliello discloses granules comprising a pigment. As discussed above with respect to the rejection based upon Dörfel, a pigment is not a "plastic additive" as claimed. As such, Balliello fails to teach the claimed invention. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. §102(b) based upon Balliello.

#### Obviousness Rejections

In the Office Action, the Examiner maintained the rejection claims 20 and 24 under 35 U.S.C. §103(a), as being unpatentable over Carduck in view of U.S. Pat. No. 3,741,703 of Reynolds (hereinafter referred to as "Reynolds"), for the reasons of record set forth in paragraph 4 of Paper No. 7. The Examiner has argued that the only difference between Carduck and the claimed invention is that Carduck fails to disclose the rotational speed at which spheronizing is performed. Applicants respectfully disagree. As mentioned above, Carduck fails to teach a composition comprising granules containing at least one plastic additive, as claimed, wherein the granules have the claimed diameter and shape. Reynolds, which the Examiner cites for its teachings of spheronizing equipment and rotating disc speeds, does not remedy the deficiencies of Carduck. The combination of references does not teach or suggest the claimed invention. Reconsideration and withdrawal of the rejection based upon Carduck and Reynolds are respectfully requested.

In the Office Action, the Examiner maintained the rejection of claim 20 under 35 U.S.C. §103(a), as being unpatentable over Balliello in view of Reynolds, for the reasons of record set forth in paragraph 6 of Paper No. 7. Again, the Examiner argues that the only

Appl. No.: 09/807,165

Group Art Unit: 1714

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differences between Balliello and the claimed invention are the specific spheronizing conditions. Applicants respectfully disagree. As mentioned above, Balliello fails to teach a composition comprising granules containing at least one plastic additive wherein the granules have the claimed diameter and shape. Reynolds does not remedy this deficiency. Reconsideration and withdrawal of the rejection based upon Balliello and Reynolds are respectfully requested.

### CONCLUSION

In view of the amendments made herein and the comments set forth above, Applicants submit that all pending claims patentably distinguish over the prior art of record and known to Applicants, either alone or in combination. Accordingly, reconsideration, withdrawal of the rejections and a Notice of Allowance for all pending claims are respectfully requested.

Respectfully submitted,

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February 28, 2005  
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